a) means for creating a personal page having personal information for a page-creating remote user;

b) means for storing attributes representing the personal information in the page-creating remote user's personal page in one or more databases;

c) means for allowing the page-creating remote user to select other remote users to allow those other remote users access to the personal page;

d) means for allowing the page-creating remote user to input security parameters for the personal page, the security parameters specifying authorization of at least one other selected remote user to view the personal page; and

e) means for storing the security parameters in one or more databases.

33. The system of claim 32, wherein the means for creating a personal page having personal information for a page-creating remote user includes means for placing graphical information on the personal page.

34. The system of claim 32, wherein the means to select other remote users includes means for searching user profiles including personal information for other remote users.

REMARKS

Amendments

Applicants have added claims 29 to 34. These claims recite a combination of elements found in other claims in this application. No new matter is added by the claim additions.

The Invention

The systems and methods of the invention allow a computer user, such as a person surfing the World Wide Web, to create a personal page containing personal information

including user selected or provided graphical images. For all intents and purposes, the personal page appears to be a World Wide Web page – except that the personal page is private. Within the context of an on-line personals system, the user may search for other users of the system having desirable personal characteristics, and may meet these other users, for example, using an anonymous email system also provided by the on-line personals system. Only after getting to know another user in this way, the page-creating user may wish to allow the other user access to the page-creating user's personal page.

Applicants' invention makes it possible for people to place personal information on their personal page that they would like to share only with other people who have certain desirable characteristics. By contrast, World Wide Web pages provide no privacy and are generally available to anyone with internet access. As a result, personal information can be viewed, and possibly copied and disseminated, by anyone – desirable or undesirable. Using applicants' system, the personal information on the personal page can be shown only to those whom the page-creating user chooses to show the personal information. Only these remote users who are authorized to view the page-creating user's personal page may view the page. The system allows a non-technical user to create a custom page and control access to the page to other users of the system who are selected by the page-creating user to view it. This allows the page-creating user to divulge information to certain selected individuals (such as potential dates), without having that information be available to tens of millions of Internet users.

The security features used in the invention are not a simple password system. The page-creating user can grant authorization to any other user of the system and can remove that authorization – without having to change the password and notifying others that the password has changed. In embodiments described at pages 19-20 of the specification, permission to view the page may be given as part of the email system, and the page-creating user may track

the viewing of the personal page by those to whom permission is given. These disclosed means for allowing the page-creating remote user to input security parameters are different from passwords.

Many of the claims also recite a profile matching function or means for selecting other users for the purpose of allowing access to the personal page only to other system users who have certain attributes that are desirable to the page-creating user. In a previous Office Action, the Examiner relied on an LDS Singles Connection Web page to teach this aspect of the claimed invention. That reference has since been withdrawn because it was not prior art – and nothing has taken its place. These features are not disclosed in the art and simply are not addressed in the Office Action.

The Office Action

Claims 1 to 28 stand rejected under 35 U.S.C. § 103(a) as "unpatentable" over Wesinger Jr. (US 5,778,367) in view of DuFresne (US 5,835,712) and further in view of Liu (US 5,898,780).

Legal Standards

To reject claims pursuant to 35 U.S.C. §103(a), an Examiner must show an unrebutted prima facie case of obviousness. *In re Deuel*, 51 F.3d 1552, 1557, 34 USPQ2d 1210, 1214 (Fed. Cir. 1995). In the absence of a proper prima facie case of obviousness, an Applicant who complies with the other statutory requirements is entitled to a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). An Examiner may only establish a prima facie case of obviousness when "the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art." *In re Bell*, 991 F.2d 781, 783, 26 USPQ2d 1529, 1531 (Fed. Cir. 1993). In asserting that the prior art

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"suggested" the claimed subject matter, however, an Examiner must realize that "the mere fact that the prior art may be modified in the manner suggested by the Examiner neither makes the modification prima facie obvious nor obvious unless the prior art suggested the desirability of the modification." *In re Fritch*, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992). Moreover, the Examiner may not "use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious." *Id*. The Federal Circuit has further stated that "[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention."

The three references cited by the Examiner, whether considered individually or in combination, do not teach or suggest the elements of independent claims 1, 10, 16, 21, 29 and 32. In addition, each of the three references is substantially different from, and sets out to achieve goals that are inconsistent with the claimed invention. As such, the Examiner's picking and choosing selected features from these references, each of which when considered in its entirety is inconsistent with the claimed invention, results in exactly the kind of hindsight reconstruction of Applicants' invention that has been forbidden under the patent law of the United States.

Response

Wessinger Jr. discloses the WebWho database, which allows users to input "mini homepages" in the WebWho database that link to their real homepage. WebWho is essentially an individual homepage search engine. The mini homepages that are created with the system of Wessinger Jr. are *freely accessible on the computer network*. (Abstract; Column 2, line 67 to column 3, line 1.) The system of Wessinger Jr. does not restrict viewing of the mini

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homepages to other users of the computer system who are authorized by the page-creating user.

In the context of claim 1, the Examiner notes that Wessinger Jr. does not disclose the claimed element of "prompting the page-creating remote user to select or enter graphical information to display on the personal page." The Examiner further notes that Wessinger Jr. does not disclose the claimed element of "displaying the personal page upon request to page-viewing remote users who are authorized to access the personal page."

In addition, Applicants disagree with the Examiner's assertion that Wessinger Jr. discloses "providing the page-creating remote user with means to input security parameters for the personal page, the security parameters specifying authorization of at least one other remote user to access the personal page." As noted by the Examiner, Wessinger Jr. merely discloses the application of a password to allow the owner of the WhoWeb directory page exclusive access to update or edit the directory page. This is not a security parameter "specifying authorization of at least one other remote user to access the personal page." Every remote user can access the WhoWeb directory page (indeed, Wesinger Jr. states that they are *freely accessible*), and a password does not *specify* any other remote user. Independent claims 1, 10, 16, 21, 29 and 32 each recite a "means" that allows the page-creating remote user to input the security parameter that specifies the access of other remote users to view the page – as explained above, the security parameter means disclosed in the specification (see pages 19-20) is different than the provision of a password. See *In re Donaldson*, 29 USPQ2d 1845, 1850 (Fed. Cir. 1994) ("PTO [is] required by statute to look to [applicants'] specification and construe the 'means' language recited in the last segment of claim 1 as limited to the corresponding structure disclosed in the specification and equivalents thereof.").

Still in the context of claim 1, the Examiner notes that Wesinger, Jr. does not disclose "prompting the page-creating remote user to select or enter graphical information to display on the personal page," and cites DuFresne for this purpose. The inclusion of graphical information in the personal page is recited in claims 1, 10, 16, 21, 30 and 33. DuFresne describes a system that allows software professionals to edit HTML page descriptions remotely and includes custom tags. Access to individual pages for editing is restricted. DuFresne does not allow users, especially non-technical users, to create personal pages having user input text and images and restrict viewing of the page to authorized system users. Rather, DuFresne presents HTML page description text within a template to a remote software professional for editing of the HTML text – not for viewing the page described. Those granted access in the DuFresne system are not viewers of the page, they are editors of the page description language.

The Examiner cites DuFresne as disclosing the entry of graphical information onto the personal page, citing "an input query to the client to input a user..." column 4, line 46. This portion of DuFresne has nothing to do with graphics (rather, it has to do with passwords and verification schemes for allowing professions to edit the html code). In fact, no portion of DuFresne has anything to do with graphics. Further, the purported motivation for combining this portion of DuFresne with Wesinger, Jr. is that the combination "would have given those skilled in the art the benefit of prompting an user to indicate information about their location. This would allow on-line users to search and locate users in certain areas." The claim does not, however, recite locations or anything of a geographical nature – it recites the inclusion of graphical information, such as a picture. In addition, there is no motivation for one to add graphics to Wesinger, Jr. Wesinger, Jr. is essentially a keyword database search engine. Adding graphics would not allow users to search anymore effectively.

Further still in the context of claim 1, the Examiner further notes that "Wesinger, Jr. et al. does not disclose 'displaying the personal page upon request to page-viewing remote users who are authorized to access the personal page,'" a feature of claims 1, 10, 16 and 21. For a teaching of this element, the Examiner reaches out to Liu. Liu discloses a method and apparatus for allowing a user to access the internet from a remote location by using a local internet service provider with whom the user does not have an account. Liu does not disclose displaying a personal page to authorized viewers – in fact, a search of the Liu specification shows that the word "page" is never used. The Examiner cites a portion of Liu (column 8, line 8) that describes the process through which the apparatus of Liu accepts a password to authenticate a user and determine whether that user is a "roamer" – that is, a user who does not have an account with the local ISP. This has nothing to do with Applicants' claimed invention.

Claims 23, 24, 28, 29 and 32 each also recite a profile matching function or means for selecting other users for the purpose of allowing access to the personal page only to other system users who have certain attributes that are desirable to the page-creating user. In a previous Office Action, the Examiner relied on an LDS Singles Connection Web page to teach this aspect of the claimed invention. That reference has since been withdrawn because it was not prior art – and nothing has taken its place. These features are not disclosed in the art and simply are not addressed in the Office Action. Further, the searching features of Wesinger, Jr. do not relate to this feature because the system of Wesinger, Jr. searches for pages – not for people (other remote users) based on personal profile information. Profile matching allows remote users to locate other users (users, as opposed to pages) having desirable qualities based on profile information - not by searching the personal pages. The page-creating user can then choose to grant authorization privileges to other users so found to view the page-creating user's personal page. This gives the page-creating user the power to selectively disclose the

information on the personal page only to other users after the page-creating user has had an opportunity to evaluate the other users.

Claims 25 and 26 add electronic mail messaging as part of the authorization means and claim 27 adds voice greetings to the personal page. The Examiner cites Figure 20 of Wesinger, Jr. as teaching the use of electronic mail messaging as part of the authorization means for establishing authorization of other users to view the page. Figure 20 does nothing more than show an electronic mail address. Applicants readily admit that electronic mail messaging is known in the prior art, however, it is not used as described in Applicants' specification (see pages 18-19) to authorize other users to view a page-creating user's personal page.

Applicants note that Wessinger Jr., DuFresne and Liu all issued well after the filing date of the present application and can only be considered prior art under 35 U.S.C. §102(e). Applicants do not admit that these references are prior art and reserve the right to provide evidence of invention earlier than the filing date of Wessinger Jr., DuFresne and Liu if appropriate.

Conclusion

Each of independent claims 1, 10, 16, 21, 29 and 32 describes a system where a page-creating remote user of a computer network creates a personal page and is also provided with a system for granting authorization to other remote users of the system to view that personal page. Only these remote users who are authorized to view the page-creating user's personal page may view the page. The system allows a non-technical user to create a custom page and control access to the page to other users of the system who are selected by the page-creating user to view it. This allows the page-creating user to divulge information to certain selected

individuals (such as potential dates), without having that information be available to tens of millions of Internet users.

By contrast, Wesinger Jr.'s stated goal is to make summary information freely available to Web users. Wesinger Jr. allows users who create mini-homepages to password protect the page for editing purposes, but does not teach or suggest a security means that allows a page-creating user to limit the viewing of the page.

The security features of DuFresne are not terribly different from those of Wessinger Jr. DuFresne applies an Access Control List to allow access to HTML page descriptions for editing. DuFresne does not teach or suggest, alone or in combination with Wessinger Jr., the notion of providing a remote user who creates a personal page with the ability to determine which other users of the computer network can view that page. Liu, which relates to "roaming" internet access, fails to fill in any of the missing teachings left by Wesinger, Jr. and DuFresne.

None of these references, alone or combined, teach the structure or benefits of the claimed invention.
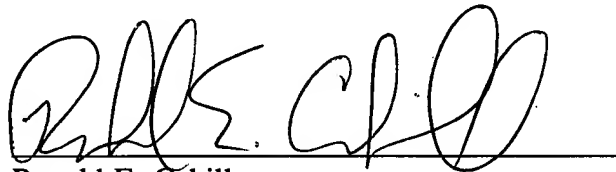
For all of the foregoing reasons, Applicants request that the Examiner reconsider the rejection of claims 1 to 28 and allow those claims, along with newly added claims 29 to 34, to

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issue. If the Examiner believes that an interview would facilitate the resolution of any

outstanding issues, the Examiner is kindly requested to contact the undersigned.

Respectfully submitted,

Date: ___April 14, 2000___

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